

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Serial No.

10/654,170

Confirmation No. 4327

Applicant

Lonnie F. Gary

Filed

September 9, 2003

TC/Art Unit

2875

Examiner

Truong, Bao Q.

For

Automatically Erectable Decorative Tree

Docket No.

35036.00007

CERTIFICATE OF FIRST CLASS MAILING

I hereby certify that the papers enclosed herein are being

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Monty L. Ross, Registration No. 28,899 Attorney for Applicant

Dear Sir:

RESPONSE TO RESTRICTION REQUIREMENT

This amendment is filed in response to the office action mailed November 25, 2005 and is accompanied by payment for a two-month extension of the response period for a small entity to and including February 27, 2006, which is hereby respectfully requested.

Applicant hereby provisionally elects Species II (stated by the examiner to include FIGS. 4-8) for examination with traverse. Applicant believes that Claims 1, 2, 4-12, 26-37 and 44-48 are readable on Species II.

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Grounds of Traverse

The automatically erectable support structure of FIGS. 5-8 is believed to be generic to all embodiments of the invention and is specifically recited in claims 44-48.

Applicant respectfully suggests that FIGS. 1-3 depict one embodiment of the artificial tree of the invention, FIG. 4 depicts another embodiment of the artificial tree of the invention, and FIGS. 9-12 depict a third embodiment of the artificial tree of the invention. Each embodiment of the invention is erectable using the automatically erectable support structure of FIGS. 5-8.

Claims 1, 2, 4-25 and 44-48 are all believed to read on the invention of FIGS. 1-3. Claims 1, 2, 26-37 and 44-48 are all believed to read on the invention of FIG. 4. Claims 38-48 are all believed to read on the invention of FIGS. 9-12.

Please charge any additional fee that may be required or credit any overpayment to Deposit Account No. 12-1781 of Locke Liddell & Sapp, LLP.

Respectfully submitted,

Monty L. Ross

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MLR:mr February 27, 2006 LOCKE LIDDELL & SAPP LLP 2200 Ross Ave., Suite 2200 Dallas, Texas 75201-6776 (214) 740-8000 Telephone (214) 756-8519 Facsimile